IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1092 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/04/2004 in WP NO : 14886 OF 2003 on the file of the High Court.)

Between:

1 Tettu Mohammed Khasim, S/o Khader Mohiddin,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
2 Shaik Karimunnisa Begum, W/o S.Buden Saheb,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
3 Shaik Imam Bee, W/o S.Khasim Sahib,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
4 Shaik Buden Saheb, S/o Kamal Saheb,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa Distric

5. Shaik Hussain Basha, S/o Dada Saheb,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
6 Tettu Kalima, D/o Khader Mohiddin,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
7 Shaik Alia Begum, W/o Hussain Basha,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
8 Tettu Jaibunnisa Begum, W/o Ghouse Basha,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
9 Tettu Basha Mohiddin, S/o Khader Mohiddin,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
10 Tettu Beejan Bee, W/o Khader Mohiddin,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
11 Tettu Ghouse Basha, S/o Khader Mohiddin,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
12 Jinka Lakshumma, W/o Pitchaiah,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District
13 Shaik Dastagiri, S/o Ghouse Saheb,
R/o Madhavaram Village, Vontimitta Mandal, Kadapa District

..... APPELLANTS

AND

1 The State of A.P.rep.by its Secretary, I & CAD Department (Projects Wing), Secretariat, Hyderabad
2 The Special Collector (L.A.) Telugu Ganga Project, Nellore, Nellore District
3 The Special Deputy Collector (LA), Somasila Project, Unit-IV, Rajampet, Kadapa District

.....RESPONDENTS

Counsel for the Appellant:MR.Y.VENKATASATYAM

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

JUDGMENT:

We find no merit in this appeal. The appellants are not entitled for payment of compensation at the market rate prevailing as on the date of making payment of compensation. It is very well settled that the compensation under the provisions of Land Acquisition Act, 1894 are required to be determined with reference to the date of publication of draft notification in the official gazette.

That admittedly, the government resumed the lands assigned to the appellants herein along with the houses as they were under the same submergence of Somasila project as early as in the year 1987. But no compensation was paid so far, so far as the lands are concerned which resulted in, the appellants filing Writ Petition No.5166 of 1987, and this Court by an order dated 29-11-1998 directed compensation to be paid for the resumed lands on par with the patta lands.

The appellants however were paid compensation for the structures existed on the resumed land as per the valuation done in the year 1987 with reference to the date under which the properties came under the custody. The appellants are not entitled to payment of compensation , at the market rate prevailing as on the date of making the payment. Neither the law nor equity requires any such interference.

In such view of the matter, we find no error in the order passed by the learned single judge, Writ Appeal fails and stands accordingly dismissed.

_____

BRSR,J

_____

KCB,J.

To

1 The Secretary, State of A.P.,

I & CAD Department (Projects Wing),
Secretariat, Hyderabad

2 The Special Collector (L.A.) Telugu Ganga Project, Nellore,
Nellore District

3 The Special Deputy Collector (LA), Somasila Project,

Unit-IV, Rajampet, Kadapa District

4. The Principal District Judge, Cuddapah, Cuddapah Dist.

5. Two CCs to Government Pleader for Land Acquisition,

High Court of A.P., Hyderabad.(O.U.T),

6. Two CD copies.

RNS/GRR.